

Sixth Appellate District

San Jose, California

MONDAY, OCTOBER 25, 2010

(no minute approved orders)

TUESDAY, OCTOBER 26, 2010

H035313 PEOPLE v. JESUS O.

The juvenile court's disposition order is affirmed. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed October 26, 2010

H033975 PEOPLE v. STALLWORTH

The judgment is affirmed. (not published)
(Duffy, J.; I concur: Bamattre-Manoukian, Acting P.J.; Concurring and dissenting opinion
by McAdams, J.)
Filed October 26, 2010

H033852 PEOPLE v. PAPP

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)
Filed October 26, 2010

H034521 PEOPLE v. VILLEGAS

H035988 In re VILLEGAS on Habeas Corpus

The judgment is affirmed. The petition for writ of habeas corpus is denied. (not
published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed October 26, 2010

H035358 PEOPLE v. SANTOYO

The trial court's order that defendant pay a domestic violence fee under Penal Code
section 1203.097, subdivision (a)(5), is ordered to be modified to reduce the fee amount
from \$400 to \$200. With that modification, the judgment is affirmed. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed October 26, 2010

Sixth Appellate District

San Jose, California

Tuesday, October 26, 2010 (continued)

H032752 PEOPLE v. UCKELE

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated September 2, 2010, is hereby vacated. The court by separate letter issued October 25, 2010, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: October 26, 2010 Mihara, Acting P.J.

H033584 PEOPLE v. GONZALES

The judgment is affirmed. (not published)
(Elia, J.; We concur: Rushing, P.J., Premo, J.)
Filed October 26, 2010

H034942 COUNTY OF MONTEREY, et al. v. BURLEIGH

By the Court*:

Appellant's petition for rehearing is denied.
Filed: October 26, 2010

*Before Elia, Acting P.J., Mihara, J. and McAdams, J.

WEDNESDAY, OCTOBER 27, 2010

H035238 PEOPLE v. LOPEZ

The judgment is affirmed. (not published)
(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed October 27, 2010

H033275 FRIENDS OF THE JUANA BRIONES HOUSE v. CITY OF PALO ALTO

The judgment is reversed, and the cause is remanded to the trial court with instructions to enter a new and different judgment denying the petition for writ of mandamus. Appellants shall have costs on appeal. (not published)
(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Mihara, J.)
Filed October 27, 2010

H034447 LAUB v. LAUB

The order of dismissal is affirmed. Respondent Paul Laub shall have costs on appeal. (not published)
(McAdams, J.; We concur: Premo, Acting P.J., Elia, J.)
Filed October 27, 2010

Sixth Appellate District

San Jose, California

Wednesday, October 27, 2010 (continued)

H034616 PEOPLE v. D.S.

(Filed modification of opinion with no change in judgment.) The petition for rehearing is denied. (not published)

(Elia, J., Rushing, P.J., and Premo, J.)

Filed: October 27, 2010

THURSDAY, OCTOBER 28, 2010

H033162 LUCENA v. BANK OF THE WEST

By the Court*:

Appellant's petition for rehearing is denied.

Filed: October 28, 2010

*Before Rushing, P.J., Premo, J. and Elia, J.

H034492 PEOPLE v. YOUNG

The judgment is affirmed. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed October 28, 2010

H032836 CONWAY v. EPIS et al.; JOHNS

The order is affirmed. Respondent Epis is entitled to costs on appeal. (Cal. Rules of Court, rule 8.278(a)(2).) (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed October 28, 2010

H034196 CHAN v. LUND, et al.

(Filed modification of opinion with no change in the judgment.) The petition for rehearing is denied. (published)

(Duffy, J., Rushing, P.J., Premo, J.)

Filed October 28, 2010

H033755 PEOPLE v. BARRAZA

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed October 28, 2010

Sixth Appellate District

San Jose, California

FRIDAY, OCTOBER 29, 2010

H035419 PEOPLE v. JENKINS

The judgment is affirmed. (not published)
(Premo, Acting P.J.; I concur: Elia, J.; Concurring and dissenting by opinion by
McAdams, J.)
Filed October 29, 2010

H035161 PEOPLE v. FLORES

The judgment is affirmed. The trial court is directed to correct the abstract of judgment to reflect that Flores is entitled to 149 days of actual custody credits in connection with the unlawful sexual intercourse case and to forward a certified copy of the amended abstract to the Department of Corrections and Rehabilitation. (not published)
(Premo, Acting P.J.; I concur: Elia, J.; Concurring and dissenting opinion by McAdams, J.)
Filed October 29, 2010

H033840 PEOPLE v. ALVAREZ

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Duffy, J.)
Filed October 29, 2010

H035546 K.D. v. SUPERIOR COURT OF MONTEREY COUNTY; MONTEREY COUNTY DEPARTMENT OF SOCIAL & EMPLOYMENT SERVICES

The petition for writ of mandate is granted. Let a peremptory writ of mandate issue directing respondent superior court to vacate that portion of its order of April 28, 2010, terminating services for petitioner K.D. and setting a Welfare and Institutions Code section 336.26 hearing, and to issue a new order setting a hearing to determine whether it was in the best interests of the child to continue services for six additional months so that the court could consider the likelihood of success of any further reunification efforts. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)
Filed October 29, 2010

H034310 PEOPLE v. OLEA

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)
Filed October 29, 2010

Sixth Appellate District

San Jose, California

Friday, October 29, 2010 (continued)

H034594 DONALD FURTADO on Habeas Corpus

The judgment is reversed, and the matter is remanded to the superior court with directions to order the Board to conduct a new parole-suitability hearing consistent with due process, considering all relevant evidence related to all relevant statutory and regulatory factors. (not published)

(Rushing, P.J.; We concur: Premo, J., Duffy, J.)

Filed October 29, 2010

H033197 PEOPLE v. LONG

The judgment is reversed. (published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed October 29, 2010

H035106 PEOPLE v. C.A.

The dispositional order of December 8, 2009, is ordered modified as to the courthouse condition, which shall state as follows: “That said minor not be present at any criminal or juvenile proceedings when the minor knows there are criminal or juvenile proceedings occurring which involves anyone the minor knows to be a gang member or where the minor knows a witness or victim of a gang-related activity will be present, unless the minor is a party in the action or subpoenaed as a witness or needs access to the area for a legitimate purpose or has prior permission from his Probation Officer.” As so modified, the dispositional order is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed October 29, 2010

H035092 PEOPLE v. HERNANDEZ

The judgment is ordered modified by staying the four-year term imposed on count 2 (§422) in case No. CC772182, by reducing the restitution fine in that case from \$4,000 to \$2,000 (§ 1202.4, subd. (b)), and by stating that the 10-year protective order is imposed under section 273.5, subdivision (i), rather than under section 1203.097. As so modified, the judgment is affirmed. The clerk of the superior court shall prepare an amended abstract of judgment and forward it to the Department of Corrections and Rehabilitation. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed October 29, 2010

Sixth Appellate District

San Jose, California

Friday, October 29, 2010 (continued)

H035241 PEOPLE v. SCOTT

By the Court:

On the court's own motion, the submission order of October 21, 2010, is hereby vacated. The court by separate letter issued October 29, 2010, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: October 29, 2010

Bamattre-Manoukian, Acting P.J.

H032186 McCASKEY v. CALIFORNIA STATE AUTOMOBILE ASSOCIATION, et al.; LUKE v. CALIFORNIA STATE AUTOMOBILE ASSOCIATION, et al.

The judgment is reversed with directions to set aside the order granting summary judgment and to enter a new order granting defendants' motion for summary adjudication as to plaintiffs' disparate impact and retaliation claims only, and otherwise denying defendants' motion for summary judgment or summary adjudication. Costs to appellants. (published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed October 29, 2010